THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 17701 of 2006

25-08-2006

Between:-

Kellampalli Venkateswara Rao

Petitioner

And

Assistant Commissioner, Endowments Department, Guntur.

Respondent

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 17701 of 2006

Oral order:

Head Sri M. Chandrasekhara Rao, learned counsel for the petitioner and the learned Government Pleader for Endowments.

The writ petition assails the order of the respondent dated 12-08-2006 placing the petitioner under suspension pending inquiry from the office of a Trustee of Sri Someswara & Veerabhadra Swamy Temple, Ganapavaram village, Nadendla Mandal, Guntur district, which office he assumed as a member of the founders family. The order of suspension was issued by the respondent exercising power under Section 28 (3) of the

Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act').

Earlier, by proceedings dated 22-05-2006, the respondent framed six (6) charges against the petitioner spelling out alleged irregularities committed by him while functioning as a founder family trustee and called upon him to submit his explanation. The petitioner sought the verification of certain records; he verified some and complained that certain records were not available and sought further verification of records and submitted his explanation partly and over all denied the charges while seeking further time to submit supplemental explanation.

At the above stage by the impugned order, the respondent recorded that the charges are grave and despite earlier ample opportunity having been given, the petitioner has not submitted comprehensive explanation to the charges framed against him. Consequently, the respondent exercised discretion under Section 28 (3) of the Act to place the petitioner under suspension pending inquiry.

On behalf of the petitioner, it is contended that the petitioner is not guilty of any charges and that some of the

charges do not amount to misdemeanor; for instance the charge relating to advancing money for the development of the temple. The petitioner pleads that as the temple was in disrepair and certain security measures had urgently to be taken up, the petitioner had advanced his own monies for the purpose.

There are however other charges, which ex facie allege serious acts of misconduct. The petitioner seriously contends that he is innocent. It is not the province of this court to determine whether the petitioner is guilty of the charges leveled, at this stage. This writ petition is directed against an order of suspension pending inquiry. Considerable latitude is given to the competent authorities for exercise of discretion in matters of placing a person under suspension pending inquiry.

In the aforesaid circumstances, there is no apparent infirmity in the impugned order, warranting interference. As the petitioner is a member of the founder's family and has been suspended from the trusteeship of the Temple, it is appropriate that the inquiry against him should be concluded expeditiously. In the circumstances, the respondent is directed to conclude the inquiry within a period of two months from the date of receipt of a copy of this order. The petitioner shall co-operate in the

expeditious disposal of the inquiry. The respondent shall consider the material on record and pass a reasoned order dealing with the explanation submitted by the petitioner to the charges framed against him, on the basis of the material on record, and shall communicate the final decision in the inquiry to the petitioner within the period of two months stipulated above.

The writ petition is accordingly dismissed. No costs.

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GODA RAGHURAM, J

Dated:25-08-2006
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